

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DANIEL GERMAIN, #467411,

Petitioner,

Case Number: 2:08-CV-10891

v.

HON. ANNA DIGGS TAYLOR

THOMAS BELL,

Respondent.

ORDER DENYING PETITIONER’S MOTION FOR RELEASE FROM CUSTODY

Petitioner Daniel Germain, presently confined at the Parr Highway Correctional Facility in Adrian, Michigan, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Now before the Court is Petitioner’s “Motion for Release from Custody.”

Petitioner seeks release on bond during the pendency of his habeas corpus petition. To receive bond pending a decision on the merits of a habeas corpus petition, a petitioner must show a substantial claim of law based on the facts surrounding the petition and the existence of “some circumstance making the [motion for bond] exceptional and deserving of special treatment in the interests of justice.” *Aronson v. May*, 85 S. Ct. 3, 5 (1964); *Dotson v. Clark*, 900 F.2d 77, 79 (6th Cir. 1990). “There will be few occasions where a prisoner will meet this standard.” *Dotson*, 900 F.2d at 79. Where the court finds no substantial claim that the petitioner is confined in violation of the Constitution, it need not reach the issue of whether exceptional circumstances exist which deserve special treatment in the interest of justice. *Id.* Because a habeas petitioner “is appealing a presumptively valid state conviction . . . it will indeed be the very unusual case where a habeas petitioner is admitted to bail prior to a decision on the merits in the habeas case.”

Lee v. Jabe, 989 F.2d 869, 871 (6th Cir. 1993). Petitioner’s motion fails to establish the existence of any extraordinary and exceptional circumstances which merit release on bond.

Therefore, the Court denies the motion.

Accordingly, **IT IS ORDERED** Petitioner’s “Motion for Release from Custody” [dkt. # 5] is **DENIED**.

DATED: June 30, 2008

s/Anna Diggs Taylor
ANNA DIGGS TAYLOR
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Order was served upon Petitioner (**Daniel Germain, #467411, Parr Hwy Correctional Facility, 2727 E Beecher St, Adrian, MI 49221**) by First Class U.S. mail on June 30, 2008.

s/Johnetta M. Curry-Williams
Case Manager